

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANIEL JAY PEREZ,

Plaintiff,

v.

CHERYL STRANGE, *et al.*,

Defendants.

Case No. C23-5008-JHC

ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANTS'  
MOTION FOR JUDGMENT ON THE  
PLEADINGS

The Court, having reviewed Plaintiff's amended complaint, Defendants' motion for partial judgment on the pleadings, the Report and Recommendation of the Honorable S. Kate Vaughan, United States Magistrate Judge, and the remaining record, hereby ORDERS:

(1) Plaintiff has not objected to the Report and Recommendation, with which the Court agrees. The Report and Recommendation is approved and adopted.

(2) Defendants' motion for partial judgment on the pleadings (Dkt. 42) is GRANTED in part and DENIED in part. Specifically, Defendants' motion is GRANTED with respect to all claims asserted against Defendants Cheryl Strange, Jack Warner, Tanya Browne, Lisa Anderson, and Kari Styles, and these five Defendants are DISMISSED from this action. Defendants'


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1 motion is also GRANTED with respect to any retaliation claim Plaintiff intended to assert  
2 against Defendants Karie Rainer, Traci Drake, Lisa Anderson and Kari Styles. Defendants'  
3 motion is DENIED to the extent it seeks dismissal of all claims against Defendants Karie Rainer  
4 and Traci Drake as Plaintiff's Eighth Amendment claims against these Defendants remain at this  
5 time.

6 (3) Plaintiff is GRANTED leave to file a second amended complaint refining and  
7 clarifying his Eighth Amendment claims against Defendants Karie Rainer, Traci Drake, Eleam  
8 Dantavian, Susan Warner, and Monte Walker. Plaintiff's second amended complaint must be  
9 filed not later than **thirty (30) days** from the date on which this Order is signed.

10 (4) The Clerk is directed to send copies of this Order to all counsel of record and to  
11 Judge Vaughan.

12 DATED this 20th day of October, 2023.

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15 JOHN H. CHUN  
16 United States District Judge  
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